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Attorneys for Defendant
GOOGLE INC.

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13 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 MASTEROBJECTS, INC.,

16 Plaintiff,

17 v.

18 GOOGLE INC.,

19 Defendant.
20

21 AND RELATED COUNTERCLAIMS
22

Case No. CV 11-1054 PJH

**STIPULATION AND [PROPOSED]
ORDER FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT**

23
24 Plaintiff MasterObjects, Inc. ("Plaintiff") and defendant Google Inc. ("Defendant"),
25 hereby stipulate through their respective counsel of record as follows:
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1 WHEREAS, on or about March 7, 2011, Plaintiff served its Original Complaint upon
2 Defendant; Plaintiff's Original Complaint alleges counts for patent infringement, including
3 direct infringement, induced infringement, and contributory infringement;

4 WHEREAS, Plaintiff filed its First Amended Complaint on June 10, 2011;

5 WHEREAS, at the September 22, 2011 Status Conference, the parties discussed the
6 circumstances under which MasterObject's newly allowed patent application would be
7 asserted in this action;

8 WHEREAS, U.S. Patent No. 8,060,639 issued to MasterObjects on November 15,
9 2011;

10 WHEREAS, Plaintiff intends to seek leave to file its Second Amended Complaint,
11 whereby Plaintiff no longer alleges (and hereby withdraws its earlier allegations) that
12 Defendant infringes under 35 U.S.C. §§ 271 (b) or (c).
13

14 WHEREFORE IT IS HEREBY STIPULATED BY THE PARTIES HERETO that
15 Plaintiff may seek leave from the Court to file its Second Amended Complaint, attached
16 hereto as Exhibit 1, and Defendant will not oppose. Plaintiff and Defendant, through their
17 respective counsel of record, have agreed to this filing.
18

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20 Dated: November 22, 2011

HOSIE RICE LLP

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23 By: /s/ William P. Nelson
24 William P. Nelson
25 *Attorneys for Plaintiff*
26 *MasterObjects, Inc.*
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McDERMOTT WILL & EMERY LLP

By: /s/ Vera M. Elson
Vera M. Elson
Attorneys for Defendant
Google Inc.

I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

Dated: November 22, 2011

/s/ William P. Nelson
William P. Nelson

PURSUANT TO STIPULATION IT IS ORDERED THAT

Leave to file Plaintiff's Second Amended Complaint is GRANTED.

Dated: November 29, 2011

Honorable Phyllis J. Hamilton
U.S. District Court Judge

